

**From:** [Mark W. Pennak](#)  
**To:** [O'Hara, Sean](#)  
**Cc:** [Lattner, Edward](#)  
**Subject:** Re: Md. Shall Issue v. Montgomery County  
**Date:** Saturday, August 6, 2022 9:06:27 AM

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**[EXTERNAL EMAIL]**

Sean: Upon further reflection, plaintiffs hereby withdraw their consent to the remand of Counts I, II, III. Plaintiffs still consent to the consolidation of the cases. Please modify your pleading accordingly. Mark.

On 8/5/2022 4:19 PM, O'Hara, Sean wrote:

Respectfully, it's the County's Motion and we'll choose the verbiage and word placement. I think we have accurately stated Plaintiffs' position with respect to the requested relief.

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**From:** Mark W. Pennak <[mpennak@marylandshallissue.org](mailto:mpennak@marylandshallissue.org)>  
**Sent:** Friday, August 5, 2022 3:51 PM  
**To:** O'Hara, Sean <[Sean.O'Hara@montgomerycountymd.gov](mailto:Sean.O'Hara@montgomerycountymd.gov)>  
**Cc:** Lattner, Edward <[Edward.Lattner@montgomerycountymd.gov](mailto:Edward.Lattner@montgomerycountymd.gov)>  
**Subject:** Re: Md. Shall Issue v. Montgomery County

**[EXTERNAL EMAIL]**

I would prefer that footnote 2 be moved to the end of the first paragraph on the first page. Some judges don't read footnotes. Footnote 3 is inaccurate. As amended by 4-21, Section 57-11(a) bans the sale, transfer, manufacture, assemble, possession, or transport of a ghost gun, undetectable gun, handgun, rifle, or shotgun, or ammunition or major component for these firearms within 100 yards of a place of public assembly as defined in the bill. You may want to add a request for a motions conference.

On 8/5/2022 3:37 PM, O'Hara, Sean wrote:

Thanks, Mark. See attached. I revised Article XI-E to XI-A. I also styled the Motion as "Partial Consent" and added Footnote 2 to the first page. Footnote 2 is copied below for your convenience. We will file on Monday. Have a good weekend.

"By email dated August 5, 2022, counsel for Plaintiffs indicated that Plaintiffs 1) consent to remand of Counts I, II, and III and 2) do not object to consolidation of the two Federal cases. Plaintiffs do not consent, however, to the Court holding Count V of the First Amended Complaint in abeyance."

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**From:** Mark W. Pennak <[mpennak@marylandshallissue.org](mailto:mpennak@marylandshallissue.org)>  
**Sent:** Friday, August 5, 2022 1:12 PM  
**To:** O'Hara, Sean <[Sean.O'Hara@montgomerycountymd.gov](mailto:Sean.O'Hara@montgomerycountymd.gov)>  
**Cc:** Lattner, Edward <[Edward.Lattner@montgomerycountymd.gov](mailto:Edward.Lattner@montgomerycountymd.gov)>  
**Subject:** Re: Md. Shall Issue v. Montgomery County

**[EXTERNAL EMAIL]**

Sean: I had indeed so guessed. Ed stated as much at the July 19 hearing and the line request was a dead give-away. I have been waiting for it. Several points: 1. Plaintiffs have no objection to the remand of Counts I, II and III. BTW, the amended complaint in Count I corrects the citation to the Maryland Constitution to Article XI-A in lieu of XI-E, as noted in the email to the court to which you were cced. You may wish to modify the motion accordingly. You may thus indicate plaintiffs' consent to such a remand, which I agree makes sense. 2. Plaintiffs also have no objection to consolidating the two matters and you may so indicate. 3. At this time, plaintiffs do NOT consent to the Court holding Count V (the 2A claim) in abeyance. Mark.

On 8/5/2022 12:49 PM, O'Hara, Sean wrote:

Hi Mark:

As you may have guessed, the County intends to remove the Amended Complaint and will file the necessary paperwork on Monday 8/8/22. It is our understanding that removal will create a new Federal case number. We also intend to file the attached Motion to Consolidate and Remand. Please review and let us know Plaintiffs' position with respect to the Motion. We hope to file the Motion on Monday 8/8/22 along with all of the other removal documents. Thanks very much and have a nice weekend.

Best,  
Sean

Sean C. O'Hara, Esq.  
Associate County Attorney  
101 Monroe Street, 3<sup>rd</sup> Floor  
Rockville, MD 20850  
(202) 802-2602 [ cell ] ←Preferred  
(240) 777-6700 [ office ]  
(240) 777-6705 [ fax ]  
[sean.ohara@montgomerycountymd.gov](mailto:sean.ohara@montgomerycountymd.gov)

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